

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

REGINA R. WALKER,

09-CV-1291-AC

Plaintiff,

ORDER

v.

MICHAEL V. ASTRUE,
Commissioner of Social Security,

Defendant.

ACOSTA, Magistrate Judge

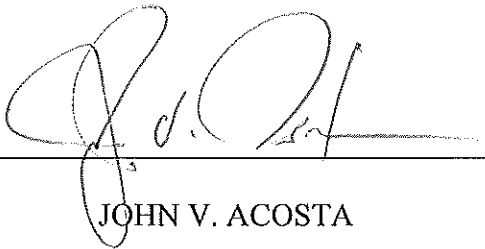
The court has reviewed plaintiff's counsel's amended motion for § 460(b) attorney fees. The government does not oppose the motion. The court disagrees with counsel's analysis of *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), in particular with respect to the risk factor. However, on the record before the court, the attorney fee requested here is reasonable under *Gisbrecht* and *Crawford v. Astrue*, 586 F.3d 1142 (9th Cir. 2009).

Accordingly, pursuant to 42 U.S.C. 406(b), reasonable attorneys fees in the amount of \$5,876.46 are hereby awarded to plaintiff's attorney, Robyn M. Rebers. Previously, this court awarded plaintiff's counsel \$5,148.87 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). The agency is directed to issue payment to plaintiff's counsel in the amount

of \$5,876.46. Upon receipt of the § 406(b) check, plaintiff's counsel will refund the EAJA fee of \$5,148.87 to plaintiff. Any withheld amount then remaining shall be released to plaintiff as soon as practicable.

IT IS SO ORDERED.

DATED this 8th day of November, 2011.



JOHN V. ACOSTA

United States Magistrate Judge